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REMARKS

This is in response to the Office Action mailed on January 25, 2006. Claims 1-31 were pending and rejected. With this amendment, claims 1, 14, 15, and 28-31 are amended. The remaining claims are unchanged, and no new claims are added. Claims 14, 28 and 30 have been amended to correct clerical errors.

Claims 15-28 were rejected under 35 U.S.C. 101 "because the claimed invention was directed to non-statutory subject matter." Specifically, the Office Action sets out "a claim for a computer program, without the computer-readable medium needed to realize the computer program's functionality, is non-statutory functional descriptive material." With this amendment, independent claim 15 has been amended to be directed to "a computer program product embodied on a computer-readable medium for causing a processing device to execute a set of computer code included on the computer program product." Claims 16-28 depend from independent claim 15. Applicant respectfully requests removal of the non-statutory subject matter rejection of claim 15-28.

Claims 1-6, 9-20 and 23-31 were rejected under 35 U.S.C. 102(e) as being anticipated by Owensby. In addition, claims 7-8 and 21-22 were rejected under 35 U.S.C. 103(a)as being unpatentable over Owensby. With this amendment the independent claims, i.e., 1, 15, 29 and 31, have been amended to include features not shown or suggested in Owensby. Specifically, the independent claims now set forth the features of "continuously automatically updating a user profile based on access to advertisements and device access of network sites indicative of user preferences." Further, amended independent claims 1, 15, and 31 now include the feature of "selecting advertisements . . . based on the . . . user profile." Independent claim 29 now includes the feature of "a second database coupled to the context engine for storing advertisements that are retrieved by the context engine based on . . . user profile." The remaining claims include the limitations of their respective independent claims by virtue of their dependency. Applicants respectfully submit that the pending claims are patentably distinguishable from the prior art.

Applicant respectfully submits that at least these amended features are not shown or suggested in the prior art. Owensby teaches a system, preferably used with mobile phones but can be used with other mobile processing devices, that receives a location of the processing device, an initial user profile, and can determine the historical use of past advertisements to determine appropriate advertisements to the processing device. The appropriate advertisements will not be provided to the user in Owensby if the user profile is

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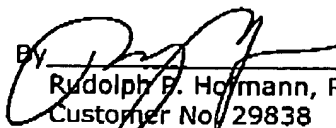In reply to Office Action dated January 25, 2006
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not completed, out of date, or the user of processing device is different than the user of the user profile (such as if the processing device is shared). Owensby does not teach the feature of "continuously automatically updating a user profile based on . . . device access of network sites indicative of user preferences," which is separate and distinct from the added limitation of "updating a user profile based on access to advertisements" that is taught in Owensby. These limitations are not suggested in the prior art because Owensby appears complete in that it solves the problem of linking user and location together in a different manner. Owensby is complete in the initial user profile and historical advertisement access, something more suited for its mobile phone examples, rather than the amended feature of "device access of network sites indicative of user preferences."

CONCLUSION

With this amendment, the claims are amended to be patentably distinguishable from the prior art. Applicant respectfully requests removal of the rejection and favorable action and allowance of the application.

In the event a telephone conversation would expedite the prosecution of this application, the Examiner may reach the undersigned at 612-607-7340. If any fees are due in connection with the filing of this paper, then the Commissioner is authorized to charge such fees including fees for any extension of time, to Deposit Account No. 50-1901 (Reference No. 60021-376302).

Respectfully submitted,

BY _____

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